

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BROOKS,

Plaintiff,

vs.

CURTIS RIGNEY, *et al.*,

Defendants.

Case No.: 2:23-cv-00982-GMN-NJK

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 46), of United States Magistrate Judge Nancy J. Koppe, which recommends dismissing this case due to Plaintiff’s failure to update his address with the Court and comply with the Court’s orders to submit his settlement statement. (*See generally* R&R). After the first court-ordered deadline to update his address passed, the Magistrate Judge gave Plaintiff an extension and warned that if he did not file a notice of changed address by January 31, 2025, his case may be dismissed. (*Id.*). As of the date of this Order, Plaintiff has not filed a notice of changed address.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a

1 district court is not required to review a magistrate judge's R&R where no objections have been
2 filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

3 Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF
4 No. 46) (setting March 17, 2025, deadline for objections). Defendant was previously an inmate
5 at High Desert State Prison. In September of 2024, because the NDOC changed custody levels
6 at High Desert State Prison and Ely State Prison, the Clerk of Court added both law libraries to
7 receive notices for Plaintiff. (Notice, ECF No. 24). Since that date, mail addressed to Plaintiff
8 at High Desert State Prison has been returned as undeliverable, but his mail sent to Ely State
9 Prison has been delivered. The NDOC's inmate search states that Plaintiff is currently housed
10 at Ely State Prison. Thus, it appears that Plaintiff has been receiving the Court's Orders, but he
11 has not complied with the Magistrate Judge's instructions to file a notice of changed address or
12 provide his settlement statement.

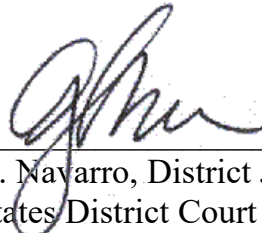
13 Accordingly,

14 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 46), is
15 **ACCEPTED and ADOPTED** in full, and the action is **DISMISSED** without prejudice.

16 **IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment, (ECF
17 No. 26), is **DENIED as moot**.

18 The Clerk of Court is kindly requested to close this case.

19 Dated this 20 day of March, 2025.

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22 _____
23 Gloria M. Navarro, District Judge
24 United States District Court
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